

REMARKS

Claims 1-15 are pending in the present application. Claims 1 and 10 have been amended, Claims 11 – 15 have been withdrawn, leaving Claims 1 – 15 for consideration upon entry of the present amendment. No new matter has been introduced by this amendment. Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Amended Claims

Claim 1 has been amended to incorporate the limitation of Claim 10.

Claim 10 has been amended by incorporating a limitation from page 21 (last line) into the claim. No new matter has been made as a result of this amendment.

Claims rejected under 35 U.S.C. §103

Claims 1 – 10 have been rejected under 35 U.S.C. §103 (a) as allegedly being unpatentable over U.S. Patent No. 6,348,298 to Sakurai et al. (Sakurai). (Office action dated 07/13/2005, page 2)

In making the rejection, the Examiner has stated “It would have been obvious to one of ordinary skill in the art to prepare the material of the example, choosing to replace either of the methylmethacrylate monomers with a glycidyl methacrylate as they are taught to be equivalent in Col. 8 of the reference, with reasonable expectation of achieving a color filter having optimized spectral transmittance”. (Office action dated 07/13/2005, page 7) Applicants respectfully disagree.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A.

1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

The present application is directed to and claims a photosensitive resin composition for a color filter comprising a binder soluble in an alkaline solution; a crosslinking monomer having at least two ethylene double bonds; a pigment; one or more photopolymerization initiators selected from the group consisting of an acetophenone compound, a xanthone compound, a benzoin compound, and an imidazole compound; one or more lower layer hardeners selected from the group consisting of a silane polymer, an ethylene monomer having at least one epoxy group or oligomer thereof; and a solvent, wherein  $\gamma$ -value of the composition after development is 0.1 to 2.5. (Claim 1)

Sakurai teaches a composition useful for producing an additive or subtractive color filter comprising a radiation sensitive composition comprising (A) a colorant containing a quinacridone pigment, a mixture of an isoindolinone pigment and a yellow organic pigment or a mixture of copper phthalocyanine blue and a green pigment, (B) an alkali-soluble resin, (C) a polyfunctional monomer and (D) a photopolymerization initiator. (see Abstract)

While Sakurai teaches the combination of colorants specified above, along with the alkali-soluble resin, the polyfunctional monomer and the photopolymerization initiator, it does not teach the use of a hardener as presently claimed. The use of the hardener selected from the group consisting of a silane polymer, and an ethylene monomer having at least one epoxy group or oligomer thereof permits the composition to have a  $\gamma$ -value after development of about 0.1 to 2.5. This can be seen in the Examples of the present application, especially in the Table 3. Sakurai in not teaching the use of the hardener, does not teach all elements of the claimed invention.

In addition, one of ordinary skill in the art upon reading Sakurai would not be motivated to modify Sakurai since it does not even suggest all elements of the claimed invention. For example, Sakurai does not even disclose or discuss the use of hardeners to control thickness after development. Sakurai does not discuss the use of the  $\gamma$ -value as an indicator of composition thickness after development.

Since Sakurai does not teach all elements of the claimed invention and since there is no motivation to modify Sakurai, Applicants believe that the Examiner has not made a


*prima facie* case of obviousness over Sakurai. Applicants respectfully request a withdrawal of the § 103 rejection over Sakurai and an allowance of the claims.

In the event the Examiner has any queries regarding the presently submitted response, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention. If there are any associated or additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,

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